

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

APRYL MARIE FOGEL,

Plaintiff,

v.

Case No.: 1:24-cv-01579-RDA-WBP

THE NATIONAL RIFLE ASSOCIATION
OF AMERICA, INC.,

Defendant.

JOINT MOTION FOR EXTENSION OF TIME TO COMPLETE SETTLEMENT

Defendant The National Rifle Association of America, Inc. (“NRA” or “Defendant”) and Plaintiff Apryl Marie Fogel (“Plaintiff” or “Ms. Fogel”) (collectively “the Parties”), by their respective counsel of record and pursuant to Fed. R. Civ. P. 6(b) and Local Civil Rule 7, jointly file this Motion and respectfully request that the Court grant Defendant an extension of time to file a responsive pleading to the Complaint [Dkt No. 1-1] until Friday, November 22, 2024 so that the Parties may complete settlement. As good cause and in support thereof, the Parties state as follows:

1. On September 6, 2024, Ms. Fogel initiated the underlying action against Defendant in the Circuit Court of Virginia, Fairfax County, Case No.: 2024-12750, i.e., the State Court Action.
2. On September 9, 2024, prior to being served with a copy of the Complaint and summons, Defendant removed the State Court Action to this Court, pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446, based on complete diversity of citizenship among the parties. *See generally* Dkt. No. 1.
3. To cooperate and save the time and expense of serving a summons and complaint,

Defendant agreed to waive service of the Summons pursuant to Fed. R. Civ. P. 4(d) effective as of September 9, 2024. *See* Dkt. No. 2 (“WAIVER OF SERVICE”). Based on a waiver of service dated September 9, 2024, Defendant’s response to Plaintiff’s Complaint is due on Friday, November 8, 2024. *Id.*

4. Following waiver of service, the parties were amicably able to resolve their differences through informal negotiations. The Parties are presently in the process of drafting a confidential settlement and release agreement to fully resolve Plaintiff’s claims.

5. As good cause, and to permit the Parties to complete settlement, the Parties respectfully request that the Court grant this Motion and extend the time for Defendant to file a responsive pleading to the Complaint until Friday, November 22, 2024. The Parties contemplate filing a joint stipulation of dismissal of this action, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) on or before November 22, 2024.

6. No prejudice will result from this brief extension of time to permit the Parties to complete settlement and file a stipulation of dismissal.

7. The Parties have not previously requested an extension.

8. The Parties waive a hearing on the Motion.

WHEREFORE, the Parties respectfully requests that this Honorable Court grant the Motion and extend the time for Defendant to file a responsive pleading to the Complaint until Friday, November 22, 2024 so that the Parties may complete settlement.

[Signatures on Next Page]

Respectfully submitted,

Dated: November 8, 2024

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